

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE VERKLER,

Defendant.

CASE NO. CR15-0041-JCC

ORDER

This matter comes before the Court on Defendant's motion for mandamus (Dkt. No. 122). Defendant seeks from the U.S. Attorney's Office the names and recent photos of United States agents who "brutally beat up and gang raped" Defendant's fiancée "during the 1995 holiday season." (*Id.* at 1.) Defendant asserts that on June 1, 2016, members of the U.S. Attorney's Office admitted that the assault occurred in 1995 and therefore must "know or have access to" the information sought by Defendant. (*Id.*)

"The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff." 28 U.S.C. § 1361. Mandamus is an "extraordinary remedy." *Fallini v. Hodel*, 783 F.2d 1343, 1345 (9th Cir. 1986). Thus:

Mandamus relief is only available to compel an officer of the United States to perform a duty if (1) the plaintiff's claim is clear and certain; (2) the duty of the officer "is ministerial and so plainly prescribed as to be free from doubt," *Tagupa*

1 v. *East-West Center, Inc.*, 642 F.2d 1127, 1129 (9th Cir. 1981) (quoting *Jarrett v.*
2 *Resor*, 426 F.2d 213, 216 (9th Cir. 1970)); and (3) no other adequate remedy is
3 available. *Piledrivers' Local Union No. 2375 v. Smith*, 695 F.2d 390, 392 (9th Cir.
4 1982).

5 *Fallini*, 783 F.2d at 1345.

6 Defendant has not established that he is entitled to the issuance of a writ of mandamus
7 compelling members of the U.S. Attorney's Office to provide his requested documents.

8 Defendant's claim for information is arguably clear and certain. *See Tagupa*, 642 F.2d at 1129.

9 But Defendant has not identified a ministerial, plainly prescribed duty of the U.S. Attorney's
10 Office to provide the documents he seeks. *Id.* Further, Defendant has not established that no
11 other adequate remedy is available through which he can obtain the documents he seeks. *See*
12 *Piledrivers' Local Union No. 2375*, 695 F.2d at 392. For the foregoing reasons, Defendant's
13 motion for mandamus (Dkt. No. 122) is DENIED.

14 DATED this 26th day of March 2019.

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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE